IFW

Docket No. B2791

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	Examiner: Jafar Parsa
PETER J.A. TIJM et al	)	Art Unit: 1621
Serial No. 10/804,803	)	**CERTIFICATE OF MAILING** I hereby certify that correspondence
Filed: March 19, 2004	)	is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to COMMISSION FOR PATENTS, P.O. BOX 1450 ALEXANDRIA, VA 22313-1450 with the proper postage attached on Aug 8, 2005.

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ATTORNEY FOR APPLICANT(S)
8/8/05 Reg. No. 22,258
Date

For: **MODIFICATION OF A METHANOL PLANT FOR CONVERTING NATURAL GAS TO LIQUID HYDROCARBONS**

Hon. Commissioner of Patents and Trademarks
Washington, DC 20231

ELECTION OF SPECIES

Responsive to the REQUIREMENT FOR RESTRICTION, date July 26, 2005, the applicants makes the following election, **with traverse:**

Applicants elect Group I, i.e.

Claims 1-9, and 17-20 which are drawn to a process for converting natural gas to liquid hydrocarbons, classified in class 518, subclass 700a.

The requirement for restriction is considered improper and is traversed for the following reasons:

The claims of Group I recite a process for converting natural gas to a liquid hydrocarbon having a "**step**" for adjusting the carbon dioxide and hydrogen in the syngas which is then used to make the liquid hydrocarbon; see claim 1. The claims of Group II recite a "system" for converting natural gas to a liquid hydrocarbon having a "**subsystem**" for adjusting the carbon dioxide and hydrogen in the syngas which is then used to make the liquid hydrocarbon; claim 10.

It should be obvious (a) that the process of **GROUP I** can only be carried with the "**system**" of **GROUP II** or **a system substantially the same as that recited in GROUP II** and (b) that the system of **GROUP II** can only be used to carry out the process recited in **GROUP I** or **a process substantially the same as that recited in GROUP I.**

Method and apparatus (i.e. process and system) claims which are basically a mirror of the other have always been examined in a single application and has long been an accepted "black-letter" procedure within the USPTO. The undersigned has been in the practice of Patent Law, including that as an Examiner, for over 40 years and has prosecuted numerous applications from both sides which have been examined and issued with both process and system claims in the same issued patent. That is, it is accepted practice to draft a series of process claims which recite "steps" and then draft substantially the same claims which recite "means" for carrying out the steps.

Further, by examining all of the present claims in a single application will not require any additional effort on the part of the Examiner since he will have to search both class 518 sub 700 **AND** the appropriate subclasses of class 422 since the "disclosures" in those classes since both the art in both classes must involve the technology which the Examiner apparently considers highly pertinent to the present invention. That is, any reference pertinent to the process of GROUP I would also appear to have to be pertinent to the system of GROUP II, and vice versa. If only one of the classes were searched, the validity of any issued patent might be compromised.

Still further, nothing is to be gained by requiring applicants to seek two patents when no third party could practice the process of GROUP I without infringing the claims of GROUP II and vice versa. By maintaining the requirement for restriction and requiring the applicants to prosecute and maintain two patents when one is permissible under current procedures would only substantially increase the costs to the applicants without reducing the effort required by the USPTO.

In view of the above, it is respectfully requested that the Requirement be withdrawn and that all of the claims be examined in this application. However, if the restriction is repeated, again applicants elect claims 1-9 and 17-20 of GROUP I and ask that the non-elected claims of GROUP II be held in abeyance pending the examination of the elected claims.

Respectfully submitted,

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